



Montana Fish, Wildlife & Parks

Parks Division

Biennial Fee Rule Draft

Fees and Rules for the
State Park System and Fishing Access Sites

Proposed by the Commission on August 5, 2010

The Commission is scheduled to make a final decision on November 18, 2010.

Comments on this proposed fee rule must be submitted by close of business on September 24, 2010 to Montana Fish, Wildlife and Parks, Attention Parks Fee Rule, PO Box 200701, 1420 East 6th Avenue, Helena, MT, 59620-0701 or by email to parkrulecomments@mt.gov

**IMPORTANT: PROPOSED NEW LANGUAGE IS
HIGHLIGHTED IN THIS DOCUMENT**



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FEE RULE TABLES: STATE PARKS AND FISHING ACCESS SITES

State Park Entrance Fees

Item	Current Fee	Proposed Fee
Daily Entrance Fee (vehicle)	\$0 Resident \$5 Nonresident	\$0 Resident \$5 Nonresident (\$3 Disabled)
Daily Entrance Fee (pedestrian, bicycle, non-commercial passenger bus)	\$0 Resident \$3 Nonresident	\$0 Resident \$3 Nonresident
Nonresident State Park Annual Pass	\$25 (1 st vehicle) \$20 (additional vehicle)	\$25 (1 st vehicle) \$20 (additional vehicle)

State Park Camping Fees

Item	Current Fee	Proposed Fee Peak Season	Proposed Fee Off-Season
Campsite	\$15 50% Discount Resident Senior/Disabled	\$18 Resident (\$9 Resident Senior/Disabled) \$23 Nonresident (\$18 Nonresident with Park Pass)	\$15 Resident (\$7.50 Resident Senior/Disabled) \$20 Nonresident (\$15 Nonresident with Park Pass)
Campsite with Electricity	\$20	\$23 Resident (\$14 Resident Senior/Disabled) \$28 Nonresident (\$23 Nonresident with Park Pass)	\$20 Resident (\$12.50 Resident Senior/Disabled) \$25 Nonresident (\$20 Nonresident with Park Pass)
Cabin	\$45	\$50 Resident \$55 Nonresident	\$45 Resident \$50 Nonresident
Regular Yurt	\$45	\$50 Resident \$55 Nonresident	\$45 Resident \$50 Nonresident
Large Yurt	N/A	\$55 Resident \$60 Nonresident	\$50 Resident \$55 Nonresident
Tipi	\$25	\$30 Resident \$35 Nonresident	\$25 Resident \$30 Nonresident
Backcountry Camping (walk-in / bike-in)	\$7	\$10 Resident (\$5 Resident Senior/Disabled) \$15 Nonresident	\$7 Resident (\$3.50 Resident Senior/Disabled) \$12 Nonresident
Showers	\$1	\$2	\$2

State Park Campsite Reservation Fees

Item	Current Fee	Proposed Fee
Reservation Fee: Individual campsite or facility (campsite/cabin/yurt/tipi)	N/A	\$10
Reservation Fee: Group campsite or facility	N/A	\$25
Reservation Modification Fee	N/A	\$10
Reservation Cancellation Fee: Individual campsite or facility	N/A	\$15 or 1 st night camping, whichever is greater
Reservation Cancellation Fee: Group campsite or facility	N/A	\$50 if 21 or more days prior to scheduled arrival If less than 21 days, forfeit 1 st night camping fee
Reservation No Show	N/A	No refund (reservation, camping fee)

Fishing Access Site Camping Fees

Item	Current Fee	Proposed Fee
FAS Campsite	\$7 for fishing license holders \$12 for non-license holders	\$10 with valid fishing license \$15 without valid fishing license

Facility Rental Fees

Item	Current Fee	Proposed Fee
Shelter or Pavilion Reservation:	\$75 minimum (\$100 deposit)	\$75 rental fee (\$100 deposit)
Meeting Room Reservation	\$25 per hour \$75 per half day \$125 per full day	\$50 per half day \$75 per full day \$100 deposit

Special Use and Group Use Fees

Item	Current Fee	Proposed Fee
Special Use, Group Use, Special Events	\$3- \$5 per person or \$5 per vehicle \$100 deposit	\$3 per person or \$5 per vehicle \$100 deposit

Other State Park and FAS Fees

Item	Current Fee	Proposed Fee
Guided Cave Tours (Lewis & Clark Caverns)	\$10 per adult (age 12 and above) \$5 per child (age 6 to 11) <u>Educational Group:</u> \$8 per adult (age 12 and above) \$4 per child (age 6 to 11) <u>Candle Tours:</u> \$15 per adult (age 12 and above) \$8 per child (age 6 to 11)	\$12 per adult (age 13 and above) \$6 per child (age 6 to 12) <u>Educational Group:</u> \$10 per adult (age 13 and above) \$5 per child (age 6 to 12) <u>Candle Tours:</u> \$16 per adult (age 13 and above) \$8 per child (age 6 to 12)
Guided Tours, Special Interpretive/Training Programs	\$2 - \$5 per person	\$2 per person or as posted
Firewood Cutting Permit	N/A	\$20/cord
Boat Mooring Buoy	\$4 per day	\$5 per day (\$12 if camping on boat)
Boat Slip Rental	\$5 per day	\$5 per day (\$12 if camping on boat)

Alberton Gorge Commercial Use Fees

Item	Current Fee	Proposed Fee
Commercial Use	3% of unadjusted gross revenue	3% of unadjusted gross revenue

Blackfoot and Madison River Use Fees

Item	Current Fee	Proposed Fee
Commercial Use	3% of unadjusted gross revenue	3% of unadjusted gross revenue
Competitive Events	\$3 per person per day, or \$95, whichever amount is greater	\$3 per person per day, or \$95, whichever amount is greater
Organized Groups	\$3 per person per day	\$3 per person per day

Parks Division Biennial Fee Rule

Adopted by the FWP Commission on _____, 2010

I. INTRODUCTION AND APPLICABILITY OF RULES

- A. The biennial fee rule applies to non-commercial use of state parks and fishing access sites, organized groups and competitive events on the Blackfoot and Madison rivers, and commercial use of the Alberton Gorge (all other commercial use of state parks and fishing access sites are governed by 12.14.101 through 12.14.170, ARM).
- B. This biennial fee rule is in effect for the two calendar years following the date of adoption. The Fish, Wildlife and Parks Commission may amend the fee rule at any time during this time period.
- C. Per 12.8.213 (3), ARM, regulations relating to establishment of fees for recreation use of lands and waters owned and controlled by the state of Montana, acting by and through the Fish, Wildlife and Parks Commission, will be adopted on an annual and seasonal basis and therefore will not be considered or processed as subject to the Montana Administrative Procedures Act.
- D. The Fish, Wildlife and Parks Commission has the authority to adopt these rules as annual or biennial rules not subject to the specific requirements of the Montana Administrative Procedures Act per section 2-4-102(11)(b)(iv), MCA.

II. LEGAL AUTHORITY

- A. Sections 23-1-105, 23-1-106, 23-1-118, 61-3-321, 87-1-303, MCA, and 12.8.213, ARM, authorize the collection of fees and charges for use of Montana state parks and fishing access sites, and rulemaking for the sites' use, occupancy, and protection.

III. DEFINITIONS

- A. "Camp" means to occupy a campsite overnight at a state park or fishing access site.
- B. "Camping unit" means one sleeping device or shelter, including but not limited to a tent, motor home, camping bus, truck mounted camping shell, pull-type camper, or other device designed and commonly use for sleeping.
- C. "Commercial use" is defined as per ARM 12.14.101(3).
- D. "Commission" means Fish, Wildlife and Parks Commission.
- E. "Competitive event" means any organized, sanctioned, or structured use, event, or activity on lands owned or managed by the department or related waters in which two or more contestants compete, the participants register, enter, or complete an application for the event, and/or a predetermined course or area is designated.
- F. "Department" means Department of Fish, Wildlife and Parks.
- G. "Dispersed camping" means camping that occurs in areas that are not individually signed or numbered.
- H. "Educational group" means an organized group that is officially recognized as an educational or scientific institution by a federal, state, or local government entity. Documentation of this recognition must be on institutional letterhead and include a signature by the head of the institution/department and documentation of official educational or scientific tax exemption as

granted by the Internal Revenue Service. The definition of an education group includes home schooling per 25-5-111, MCA.

- I. "Motor vehicle" means any passenger car, truck, van, or motor home, and does not include vehicles engaged in commercial use.
- J. "Nonresident" means a person who does not meet the definition of a resident as defined in 87-2-102, MCA.
- K. "Nonresident daily entrance fee" is the fee for gaining access to a unit of the state park system, either by an annual pass or daily entrance permit.
- L. "Nonresident state park annual pass" is a non-transferable, non-refundable pass that grants a non-commercial nonresident vehicle and up to eight occupants free access to state parks for a one-year time period beginning March 1 through the last day of February.
- M. "Nonresident vehicle" shall be defined as a vehicle bearing license plates from a state or province other than Montana.
- N. "Off season" means the time period beginning the day after Labor Day up to and including the Thursday before Memorial Day when visitation is typically lower, fewer amenities are available, and/or the state park system operation expenses are lower.
- O. "Organized group" means a structured, ordered, consolidated, or scheduled event on, or occupation of, lands owned or managed by the department or related waters that is not commercial or competitive.
- P. "Peak season" means the time period from the Friday before Memorial Day through Labor Day when visitation is typically higher, more amenities are available, and/or the state park system operation expenses are higher.
- Q. "Primitive parks" are those sites listed in 23-1-116, MCA, subject to special restrictions on development and fee collection.
- R. "Reservation fee" means the transaction fee assessed when using the state park camping reservation program.
- S. "Resident" means a resident of Montana as defined in 87-2-102, MCA.
- T. "Single visit" is a stay within a designated area during a daily period when the park is open for public use.
- U. "Service group" means a group that donates proceeds or services to the management or improvement of fish, wildlife, and parks, including the maintenance, management, or the improvement or development of facilities.

IV. ENTRANCE TO STATE PARKS

- A. A person driving a vehicle licensed in Montana with a paid state park vehicle registration fee will be granted daily access to state parks at no charge per 23-1-105(6), and 61-3-321(18)(a), MCA (see Appendix A). Occupants of the vehicle shall not be charged daily entrance fees.
- B. A nonresident or nonresident vehicle shall not enter or use park areas, campgrounds, or other facilities, or otherwise participate in programs or activities for which a fee has been established without first paying the required fee per ARM 12.8.213.
- C. Payment of a single visit fee authorizes exits from and re-entries to all designated fee areas for the date the fee is paid.

- D. The non-resident entrance fee provides for the entry of one private, non-commercial motor vehicle and its occupants into a park area, or the entry of a single person into a park on foot, by bus, bicycle, or means other than by conventional motor vehicle for a "single visit."
- E. Non-resident children under 13 years of age are admitted free to sites that charge a per-person daily entrance fee.
- F. A nonresident who is participating in an authorized commercial activity is not subject to the daily entrance fee.
- G. The daily nonresident entrance permit is valid only for the date issued.
- H. A nonresident with a disability shall be charged the single person nonresident entrance fee of \$3 when accessing a state park in a vehicle so long as they are the sole occupant of that vehicle.
- I. Federal park passports, e.g. the America the Beautiful card, are not valid at Montana state parks.
- J. To be valid, the nonresident state park pass must be permanently affixed to the interior lower left area of the vehicle's windshield. A \$10 fee shall be assessed to replace a lost or destroyed pass. When replacing a windshield, a nonresident pass holder may present the peeled-off pass or the largest remnants to receive a free replacement.
- K. The pass can be purchased at selected license agents, department offices, designated recreation fee areas, and via the department's web site. A nonresident who purchases a state park pass via the department's web site may print a temporary copy that is valid for entry into any state park for a period of 7 days following the date of purchase. The purchaser will receive an official pass in the mail. A pass purchased via the department's web site shall be assessed a service fee.
- L. Additional passes may be purchased at a reduced cost. Each additional vehicle must be registered to the same street address.

V. CAMPING AT STATE PARKS

- A. There is a fee to camp at state parks. Exception:
 - i. There is no camping fee for residents at primitive state parks with the exception of Thompson Falls state park and Headwaters state park as provided in 23-1-118, MCA.
- B. A camping fee is charged per each individually signed or numbered campsite unless otherwise posted. The park manager may apply the campsite fee to each camping unit for dispersed camping areas and campsites that accommodate multiple camping units.
- C. A visitor must immediately pay the required camping fee upon arriving at or occupying a campsite, cabin, yurt, or tipi. The camping permit must be attached to the campsite post if available or displayed on driver's side dashboard.
- D. The nonresident camping fee includes the nonresident entrance fee. A nonresident who purchases a state park annual pass may subtract \$5 per night from the camping fee.
- E. Overnight camping fees shall be assessed when camping overnight on a boat that is moored within a designated boat slip, marina or buoy.
- F. In addition to the group campsite reservation fee, each individual or party within the group must pay the applicable camping fees listed in this fee rule.
- G. 23-1-105(2), MCA, provides that an overnight camping fee will be discounted 50% for a campsite rented by a Montana resident who is a:
 - i. senior citizen 62 years of age or older and provides a photo identification with Montana resident address (e.g., Montana Driver's License); or

- ii. person with a disability, verified by either a disability form obtained from the department and signed by a physician, a Resident Disability Conservation License, or a disability permit or license plate issued by the Montana Motor Vehicle Division.
- H. Only one discount may be applied to an overnight camping fee, not a combination. No discount may be applied to the electrical fee or to any other fees such as boat slips, firewood, etc.
- I. A senior citizen with a Golden Years' Pass issued by the department shall be granted free camping. The Golden Years' Pass is valid only if the holder or spouse is in the vehicle to which it is attached. This pass is non-transferable. The original holder of a Golden Years' Pass can obtain a replacement pass at any FWP office or the Helena headquarters for \$1 by showing a portion of the original pass. The Golden Years' Pass has not been issued since 1989 and therefore as of 2010 the holder must be at least 83 years of age.
- J. Selected state park campsites may be reserved through the department's state park campsite reservation system.
- K. Campsites may not be "held" by an individual or party for another individual or party arriving later. No person may pay a camping fee or leave an item as a means to reserve or hold an unoccupied site. This does not prohibit the reservation of a campsite through the department's state park campsite reservation system.
- L. Unless otherwise posted, the maximum occupancy at each individually signed or numbered campsite is eight (8) people.
- M. Unless otherwise posted, the maximum occupancy at each individually signed or numbered campsite is one camping unit and up to two additional tents. "Camping unit" means one sleeping device or shelter, including but not limited to a tent, motor home, camping bus, truck mounted camping shell, pull-type camper, or other device designed and commonly use for sleeping.
- N. All camper units with the exception of tents, and all motor vehicles, boats, trailers, motorcycles, non-licensed recreational vehicles, and other similar forms of transportation must be parked within the designated parking area of the campsite or at designated overflow (alternative) parking areas.
- O. The park manager may establish a dispersed camping area with occupancy limits and terms and conditions for use of the area. Occupancy limits that exceed thirty (30) people may require a special use permit.
- P. No person may leave a campsite unattended overnight. Nightly occupancy is required.
- Q. Camping at one or more campsites in any one designated recreation area for a period longer than fourteen (14) days during any 30-day period is prohibited unless otherwise posted. In areas so posted, said occupancy shall be limited to seven (7) days during any 30-day period. Such 30-day periods shall run consecutively during the year commencing with the first day each person camps in a designated recreation area each year.
- R. No person may set up camp in areas other than designated campgrounds, or in any department-administered shelter building unless the shelter is posted as a camp shelter.
- S. No person may leave a set-up camp, or trailer, camper, other vehicle, or equipment unattended for more than 48 hours unless the area is otherwise posted.
- T. Checkout time for campers using fee areas is 2:00 p.m. the following day unless otherwise posted.

VI. CAMPSITE RESERVATION PROGRAM

- A. There is a nonrefundable, nontransferable reservation fee charged for reserving a state park campsite or facility through the campsite reservation program. The reservation fee is in addition to the camping fee.
- B. There is a nonrefundable modification fee charged for changing a reservation.
- C. There is a cancellation fee charged when canceling a campsite or facility reservation.
- D. The Commission delegates authority to the Parks Division Administrator to develop procedures for administering the camping reservation system, including but not limited to procedures on reservation limits, modifications, and cancellations.

VII. CAMPING AT FISHING ACCESS SITES

- A. There are no daily entrance fees at fishing access sites.
- B. There is a fee to camp at fishing access sites that are posted as fee areas. A visitor must immediately pay the required camping fee upon arriving at or occupying a campsite. The camping permit must be attached to the campsite post if available or displayed on driver's side dashboard.
- C. A camping fee is charged per each individually signed or numbered campsite unless otherwise posted. The park manager may apply the campsite fee to each camping unit for dispersed camping areas and campsites that accommodate multiple camping units.
- D. Fishing access site camping seasons vary based upon specific site conditions, location, and other factors. Some sites may be closed during the winter season or other portions of the year (contact a department regional office for details).
- E. A person must have a valid fishing license to qualify for the reduced (lower) camping fee at fishing access sites.
- F. 23-1-105(2), MCA, provides that an overnight camping fee will be discounted 50% for a campsite rented by a Montana resident who is a:
 - i. senior citizen 62 years of age or older and provides a photo identification with Montana resident address (e.g., Montana Driver's License); or
 - ii. person with a disability, verified by either a disability form obtained from the department and signed by a physician, a Resident Disability Conservation License, or a disability permit or license plate issued by the Montana Motor Vehicle Division.
- G. Only one discount may be applied to an overnight camping fee, not a combination.
- H. Campsites may not be "held" by an individual or party for another individual or party arriving later. No person may pay a camping fee or leave an item as a means to reserve or hold an unoccupied site.
- I. Unless otherwise posted, the maximum occupancy at each individually signed or numbered campsite is eight (8) people.
- J. Unless otherwise posted, the maximum occupancy at each individually signed or numbered campsite is one camper unit and up to two additional tents. "Camping unit" means one sleeping device or shelter, including but not limited to a tent, motor home, camping bus, truck mounted camping shell, pull-type camper, or other device designed and commonly use for sleeping.
- K. All camper units with the exception of tents, and all motor vehicles, boats, trailers, motorcycles, non-licensed recreational vehicles, and other similar forms of transportation must be confined

within the designated parking area of the campsite or at designated overflow (alternative) parking areas.

- L. The park manager may establish a dispersed camping area with occupancy limits and terms and conditions for use of the area. Occupancy limits that exceed thirty (30) people may require a special use permit.
- M. No person may leave a campsite unattended overnight. Nightly occupancy is required.
- N. Camping at one or more campsites in any one designated recreation area for a period longer than fourteen (14) days during any 30-day period is prohibited unless otherwise posted. In areas so posted, said occupancy shall be limited to seven (7) days during any 30-day period. Such 30-day periods shall run consecutively during the year commencing with the first day each person camps in a designated recreation area each year.
- O. No person may set up camp in areas other than designated campgrounds, or in any department-administered shelter building unless the shelter is posted as a camp shelter.
- P. No person may leave a set-up camp, or trailer, camper, other vehicle, or equipment unattended for more than 48 hours unless the area is otherwise posted.
- Q. Checkout time for campers using fee areas is 2:00 p.m. the following day unless otherwise posted.
- R. Overnight camping fees shall be assessed when camping overnight on a boat that is moored within a designated boat slip, marina or buoy.

VIII. USE OF SHELTERS, PAVILLIONS, AMPHITHEATERS, AND MEETING ROOMS

- A. An individual or group may reserve a shelter, pavilion, amphitheater or meeting room subject to availability and approval by staff. The park manager may deny the reservation request or stipulate the conditions of use based on the nature of the proposed use and the regulations and management objectives in place at the park or fishing access site where the use would occur.
- B. A facility reservation form should be submitted to the appropriate regional office or park a minimum of seven (7) days prior to the proposed date(s) of use. Reservations may also be made by telephoning the appropriate regional headquarters or park office. All telephone reservations must be confirmed within five (5) days by submitting a facility reservation form.
- C. There is a rental fee for use of shelters, pavilions, amphitheaters, and meeting rooms. The fee must be paid prior to use of the facility.
- D. The park manager may adjust the rental fee on a case-by-case basis for educational groups or an individual or group that donates money or services to the state park system.
- E. A cleaning/security deposit is required and must be submitted in advance with the facility reservation form and rental fee. The park manager shall assess the cleanup and/or restoration of resources and facilities and if conditions are satisfactory the manager shall refund the deposit.
- F. The park manager may waive the deposit requirement for groups that have previously reserved a facility and demonstrated satisfactory cleanup and/or restoration of resources and facilities.
- G. The park manager shall refund the cleaning/security deposit if the reservation is canceled more than seven (7) days in advance. If a reservation is canceled less than seven (7) days before the intended use period, the cleaning/deposit shall be retained. If the facility is unavailable for the intended use due to unforeseen conditions, both the fee and deposit shall be refunded.

IX. SPECIAL USE, GROUP USE AND SPECIAL EVENTS

- A. All groups or events of 30 or more people must secure a special use permit prior to using a state park or fishing access site. Examples of groups or events that may require a special use permit include but are not limited to wedding parties, family reunions, fishing contests, and research activities.
- B. The park manager may require a special use permit for groups of less than 30 people based on management or resource protection objectives for a site, special rules or regulations, or other determining factors.
- C. The park manager may deny or amend a request for a special use permit based on the management and resource protection goals for a site or other extenuating circumstances.
- D. Groups that meet the definition of commercial use are governed by the department's commercial use rules.
- E. A special use permit may be issued to a group or individual representing a group.
- F. The proposed special use must comply with pertinent state and federal laws and regulations including public health, safety, and air and water quality.
- G. A group or individual receiving a special use permit must comply with the terms and conditions of the permit. The park manager may establish limits on the size of groups.
- H. The proposed special use must not adversely impact neighboring properties, existing archaeological, historical, cultural, or natural values and must not conflict with management objectives and guidelines.
- I. Special use permit applications should be submitted to the appropriate regional office or park a minimum of seven (7) days prior to the proposed date of use.
- J. The park manager may charge a fee for special use, group use and special events at state parks and fishing access sites. The fee does not include the daily entrance fees when applicable. The fee must be submitted in advance with the permit application and deposit unless otherwise specified by the department.
- K. The park manager may adjust the special use fee upward or downward to accommodate the nature of the activity, compensate for site impacts or department staffing needs, or for other unique circumstances pertaining to the permitted activity.
- L. The park manager may adjust the special use fee on a case-by-case basis for educational groups when the following conditions are met:
 - i. the group is from a bona fide institution that meets the definition of an educational group;
 - ii. the group provides a written explanation of the educational purpose of the visit; and
 - iii. the use is not primarily for recreational purposes.
- M. The park manager may adjust the special use fee on a case-by-case basis for service groups when the group or event:
 - i. donates proceeds or services to the management or improvement of fish, wildlife, and parks, including the maintenance, management, or the improvement or development of facilities;
 - ii. donates proceeds from the event or activity to a nonprofit organization or charitable cause; or
 - iii. is organized primarily for children under the age of thirteen.
- N. A cleaning/security deposit is required in advance for special use or group use that requires a permit and must be included with the permit application and fee.

- O. The park manager may waive the deposit requirement for groups that have previously reserved a facility and demonstrated satisfactory cleanup and/or restoration of resources and facilities and compliance with the permit terms and conditions.

X. OTHER STATE PARK AND FAS USE

- A. The department may charge and collect a fee for department-provided guided tours, interpretive or training programs, **firewood cutting permits**, boat mooring, and boat slip rental. The park manager may adjust the guided tour fee on a case-by-case basis for marketing or otherwise promoting the activity.
- B. Firewood cutting is only available on a limited basis and may only occur at designated sites.

XI. ALBERTON GORGE COMMERCIAL USE

- A. For the purpose of this fee rule, the Alberton Gorge shall be defined as the region between and including Cyr fishing access site to Tarkio fishing access site along the Clark Fork River and shall be known as the Gorge.
- B. The department's Commercial Use Administrative Rules (ARM 12.14.101 through ARM 12.14.170) and Commercial Use Permit Fee Rule apply to commercial use within the Gorge.
- C. Commercial use, as defined in ARM 12.14.101(3), within the Gorge is limited to commercial use that demonstrated "Historical Commercial Use" of the Gorge prior to January 1, 1998 by registering with the department by March 15, 1999. Those who failed to demonstrate proof of prior commercial use by that date are not considered historical commercial users and therefore are prohibited from conducting commercial use within the Gorge.
- D. In accordance with ARM 12.14.120(1), a restricted use permit is required in advance to conduct commercial use within the Gorge.

XII. BLACKFOOT AND MADISON RIVER USE

- A. The department, in conjunction with the Bureau of Land Management (BLM), requires a Special Recreation Permit for commercial use, competitive events, and organized group activities at department and BLM access sites along the Blackfoot River and Madison River.
- B. The department shall issue Special Recreation Permits pursuant to ARM 12.11.6501 through 12.11.6575, the department's Commercial Use Administrative Rules (ARM 12.14.101 through ARM 12.14.170), and the Commercial Use Permit Fee Rule.
- C. The maximum sizes for organized and commercial groups on the Blackfoot River are as follows:

River Reach	Organized Groups Maximum size, (individuals)	Commercial Groups Maximum size, (individuals)
1. Headwaters to the Mineral Hill area	0	0 floating, 3 wading
2. Mineral Hill area to North Fork confluence	12	12
3. North Fork confluence (or Harry Morgan FAS) to Russell Gates FAS	21	21
4. Russell Gates FAS to Roundup FAS	30 (40 May 1 - June 15)	30 (40 May 1 - June 15)
5. Roundup FAS to Johnsrud Park FAS*	30 (40 May 1 - June 15)	30 (40 May 1 - June 15)
6. Johnsrud Park FAS to Bonner	Based upon site capacity	Based upon site capacity
7. North Fork of Blackfoot to Harry Morgan FAS (confluence).	0	12

*At Whitaker Bridge FAS, the maximum commercial group size will be 25 individuals from June 15 through Labor Day.

- D. Exceptions to the maximum group sizes on the Blackfoot River are as follows:
- reaches four (4) and five (5) include a whitewater season (May 1 through June 15) with special group sizes to accommodate the traditional spring runoff and whitewater rafting season;
 - the regional park manager may adjust this time period annually to address seasonal peak spring flows conditions.
- E. A person may apply for a Blackfoot River special recreation permit and request to exceed the maximum group size limit. In such cases, the department may conduct an environmental assessment to assess the predicted impacts of the request. Such requests may be subject to cost recovery.
- F. "Site capacity" on the Blackfoot River is the number of people each site can accommodate without significant impacts to the site resources or social experience. It is the maximum use level for all recreational use, including the combined use of a recreation site by the general public and any permitted recreational uses (commercial, competitive and organized groups). Each permit in this river reach shall be determined on a case-by basis.
- G. The impacts and acceptable size limits for competitive events on the Blackfoot River shall be assessed on site-specific capacities and suitability. The permitted group size for a competitive event may be smaller than the maximum group size for organized and commercial use based on the cumulative impacts of all anticipated use. Special recreation permits do not grant exclusive use of a recreation site to any permitted group.
- H. The following criteria shall be used to determine the maximum group size for a proposed competitive event on the Blackfoot River:
- whether the competitive events is consistent with the management objectives outlined in the Blackfoot River Recreation Management Plan;
 - whether the combination of the anticipated general public use and the special recreation permit use is expected to be within the site capacity limits;
 - whether the site is capable of accommodating the proposed number of people and vehicles without damage or degradation to the facilities or resources;
 - whether the proposed activity and group size is compatible with the site facilities;
 - the timing and duration of the proposed event; and
 - the benefits to the public and/or river resources.

- I. If the proposed event is to occur in critical native fish recovery areas, the activity must be consistent with current bull trout recovery considerations.

XIII. SPECIAL RULES AND REGULATIONS

- A. Fees shall be prominently signed and posted where applicable.
- B. The department's public use regulations, 12.8.201 through 12.8.213, ARM, unless otherwise posted or noted in this fee rule, shall apply to use of state parks and fishing access sites.
- C. The Commission delegates to the director or the director's designee the authority to post special rules, consistent with existing department or commission authority, related to public use, health, safety, welfare, and resource protection per 23-1-106, MCA.

XIV. PENALTIES

- A. No person shall enter or use park areas, campgrounds, or other facilities, or otherwise participate in programs or activities for which a fee has been established without first paying the required fee. Any violation of this provision is punishable by a fine not to exceed \$500 per 23-1-106, MCA, and 12.8.213, ARM.
- B. Violation of fee requirements, administrative rules, or state laws may result in immediate expulsion from the area in addition to other enforcement actions.

XV. SEVERABILITY CLAUSE

- A. If a part of this fee rule is invalid, all valid parts are severable from the invalid part and shall remain in effect. If a part of this fee rule is invalid in one or more of its applications, the part remains in effect in all valid applications severable from the invalid applications.

BOB REAM, Chairman DATE
Fish, Wildlife & Parks Commission

JOE MAURIER, Director DATE
Fish, Wildlife & Parks

APPENDIX A. 23-1-105 AND 61-3-321, MCA.

23-1-105(6)

In recognition of the fact that individuals support state parks through the payment of certain motor vehicle registration fees, person who pay the fee provided for in 61-3-321(18)(a) may not be required to pay a day-use fee for access to state parks. Other fees for the use of state parks and fishing access sites, such as overnight camping fees, are still chargeable and may be collected by the department.

61-3-321 (18)

(a) Unless a person exercises the option in subsection (18)(b), an additional fee of \$4 must be collected for each light vehicle registered under this part. This fee must be accounted for and transmitted separately from the registration fee. The fee must be deposited in an account in the state special revenue fund to be used for state parks, for fishing access sites, and for the operation of state-owned facilities. Of the \$4 fee, the department of fish, wildlife, and parks shall use \$3.50 for state parks, 25 cents for fishing access sites, and 25 cents for the operation of state-owned facilities at Virginia City and Nevada City.

(b) A person who registers a light vehicle may, at the time of annual registration, certify that the person does not intend to use the vehicle to visit state parks and fishing access sites and may make a written election not to pay the additional \$4 fee provided for in subsection (18)(a). If a written election is made, the fee may not be collected.